

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARLYN PHILLIPS, )  
Plaintiff, )  
v. ) Case No.  
EQUIFAX INFORMATION SERVICES LLC, )  
Defendant. )

**DEFENDANT EQUIFAX INFORMATION SERVICES LLC'S  
NOTICE OF REMOVAL**

COMES NOW EQUIFAX INFORMATION SERVICES LLC ("Equifax"), and files this Notice of Removal pursuant to 28 U.S.C. §§ 1441(b) and 1446(a) and in support thereof respectfully shows the Court as follows:

**Procedural Background**

1. Marlyn Phillips is the plaintiff. Equifax is named as the defendant.

2. On or about March 19, 2012, plaintiff filed a Complaint in the Court of Common Pleas of Bucks County, Pennsylvania, Civil Division ("State Court Civil Action") alleging that Equifax reported false or erroneous information on plaintiff's credit report in violation of the Fair Credit Reporting Act as well as other claims under Pennsylvania state law. Plaintiff requests a jury trial.

3. Equifax was served with Plaintiff's Complaint on March 22, 2012. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. § 1446(b).

**Grounds for Removal**

4. The State Court Civil Action seeks damages for Equifax's alleged violations of the federal Fair Credit Reporting Act (15 U.S.C. § 1681, *et. seq.*) (*See:* Complaint attached hereto as Exhibit A). Therefore, the State Court Civil Action is an action over which this Court has original federal question jurisdiction pursuant to 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1681p.

5. Removal of the State Court Civil Action is proper pursuant to 28 U.S.C. § 1441(b) because the State Court Civil Action is founded on a claim or right arising under the Constitution, treaties or laws of the United States.

**Compliance With Procedural Requirements**

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is being filed with this Court within thirty (30) days after defendant Equifax received a copy of Plaintiff's pleading setting forth the claims for relief upon which Plaintiff's action is based.

7. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in the United States District Court for the Eastern District of Pennsylvania because the county from which the State Court Civil Action is being removed lies within this district.

8. Promptly after filing this Notice of Removal, Equifax shall give written notice of the removal to the plaintiff and will file a copy of this Notice of Removal with the Clerk of the Court of Common Pleas of Bucks County, Pennsylvania as required by 28 U.S.C. § 1446(d).

9. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings and orders served upon defendant Equifax in the State Court Civil Action are attached hereto as Exhibit B.

10. Trial has not commenced in the Court of Common Pleas of Bucks County, Pennsylvania.

WHEREFORE, Equifax Information Services, LLC respectfully prays that the State Court Civil Action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Dated : April 19, 2012.

Respectfully Submitted,

Anneliese Scott  
Anneliese Scott  
Christie, Pabarue, Mortensen and Young,  
A Professional Corporation  
1880 JFK Boulevard, 10<sup>th</sup> Floor  
Philadelphia, PA 19103  
ascot@cpmy.com  
Attorneys for Defendant Equifax  
Information Services LLC

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served a true and correct copy of the foregoing NOTICE OF REMOVAL by depositing same in the United States mail, properly addressed with sufficient postage affixed thereto to ensure delivery to:

Vicki Piontek, Esq.  
951 Allentown Road  
Lansdale, PA 19446

This 19th Day of April, 2012.

By: Anneliese Scott  
Attorney for Defendant Equifax Information Services LLC

# EXHIBIT A

IN THE COURT OF COMMON PLEASE OF  
BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

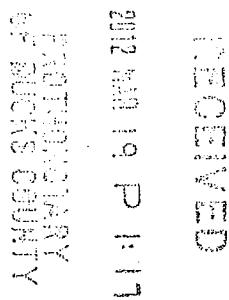
Received  
3/22

Marlyn Phillips :  
854 Martha Lane :  
Warminster, PA 18974 : 2012-00987  
Plaintiff :  
Vs. :  
Equifax Information Services LLC :  
6 Clementon Road, East, Suite A2, : Jury Trial Demanded  
Gibbsboro, New Jersey 08026 :  
and :  
John Does 1-10 :  
and :  
X,Y, Z Corporations :  
Defendant :

**NOTICE TO DEFEND**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice to you for any money claimed in the Complaint or for any other claim or relief requested by Plaintiff(s). You may lose money or property or other rights important to you.

See Next Page -----→→→→→→



YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU  
DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR  
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU  
CAN GET LEGAL HELP:

Legal Aid of Southeastern Pennsylvania for Bucks County  
1290 Veterans Highway, Box 809, Bristol, PA 19007  
215-781-1111

Bucks County Legal Aid Society  
100 Union St, Doylestown, PA 18901  
(215) 340-1818

Bucks County Bar Association  
135 East State Street, PO Box 300, Doylestown, PA 18901  
215-348-9413

IN THE COURT OF COMMON PLEASE OF  
BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

Marlyn Phillips	:	
854 Martha Lane	:	
Warminster, PA 18974	:	
	:	
Plaintiff	:	2012-00987
Vs.	:	
Equifax Information Services LLC	:	
6 Clementon Road, East, Suite A2,	:	
Gibbsboro, New Jersey 08026	:	Jury Trial Dem
and	:	
John Does 1-10	:	
and	:	
X,Y, Z Corporations	:	
	:	
Defendant	:	

## **COMPLAINT**

1. This is an action brought by a consumer for violation of alleged violations of the Fair Credit Reporting Act (FCRA), 15 USC 1681 et. Seq..
  2. Plaintiff is Marlyn Phillips, an adult individual, residing at 854 Martha Lane, Warminster, PA 18974.
  3. Defendant is Equifax Information Services LLC, with a place of business located at 6 Clementon Road, East, Suite A2, Gibbsboro, New Jersey 08026.

SEY 08026  
2012 MAY 19 P-111  
THE EYES

#### JURISDICTION AND VENUE

4. Jurisdiction and venue are proper because a substantial portion of the transactions, occurrences or omissions took place in this jurisdiction.
5. Jurisdiction and venue are proper because Defendant regularly transacts business in this jurisdiction and avails itself of the market place in this jurisdiction.
6. Jurisdiction and venue are proper in this jurisdiction because witnesses may be located in this jurisdiction.
7. Jurisdiction and venue are proper in this jurisdiction because the Plaintiff whose credit report was allegedly affected by Defendant(s)' alleged unlawful behavior resides in this jurisdiction.

**COUNT ONE: VIOLATION OF THE FAIR CREDIT REPORTING ACT,  
And the Fair and Accurate Credit Transactions Act, 15 USC 1681 et. seq.**

8. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.
9. At all times pertinent hereto Plaintiff was a "consumer," as defined by 15 U.S.C. § 1681a(c).
10. At all times pertinent hereto, Defendant was a "person" and "consumer reporting agencies" as those terms are defined by 15 U.S.C. § 1681a(b) and (f).
11. At all times pertinent hereto, the credit reports mentioned in this complaint were "consumer reports" as that term is defined by 15 U.S.C. § 1681a(d)

12. Plaintiff disputed the alleged account(s) in writing with Defendant(s).
13. Defendant(s) received Plaintiff's disputes concerning the alleged account(s).  
See attached exhibits.
14. Defendant purported to have investigated the disputed account(s), and verified the disputed information concerning such account(s). See attached exhibits.
15. Plaintiff requested that Defendant conduct a reinvestigation pursuant to 15 USC 1681 i. See attached exhibits.
16. Defendant did conduct one or more reinvestigations pursuant to 15 USC 1681 i, at which time Defendant(s) purportedly verified such account(s) again on more than one occasions. See attached exhibits.
17. Pursuant to 15 USC 1681 i, et. seq. Defendant (s) had a duty to inform Plaintiff upon Plaintiff's written request as to what Defendant(s) method of verification was when Defendant(s) conducted such reinvestigation(s).

18. Plaintiff sent Defendant(s) one or more written requests asking Defendant(s) what method of verification that Defendant(s) used to conduct the reinvestigation. See attached exhibits.
19. Defendant refused to inform Plaintiff what Defendant(s) method of verification was following Plaintiff's written request to Defendant(s) to do so. See Exhibit(s) which show Defendant's refusal. Instead of providing the method of verification that was used to re-verify the account(s) during the reinvestigation(s) process(es), Defendant provided a boiler plate, blanket response which did not fulfill Defendant(s) duties under 15 USC 1681 i, et seq.
20. Defendant(s) breached its / their duty under 15 USC 1681 i, et. seq. to inform Plaintiff as to what Defendant(s) method of verification was when Defendant(s) conducted such reinvestigation(s).

## **LIABILITY**

21. The previous paragraphs of this complaint are incorporated by reference and made a part hereof .
22. At all times various employees and / or agents of Defendant were acting as agents of Defendant, and therefore Defendant is liable to for the acts committed by its agents and / or employees under the doctrine of respondeat superior.
23. At all times various employees and / or agents of Defendant were acting jointly and in concert with Defendant, and Defendant is liable for the acts of such employees and / or agents under the theory of joint and several liability because Defendant and its agents were engaged in a common business venture and were acting jointly and in concert.

**DAMAGES**

24. The preceding paragraphs are incorporated by reference and made a part hereof.
25. Plaintiff's actual damages are \$1.00 more or less, including but not limited to postage, phone calls, fax, gas, mileage, etc.
26. \$1,000.00 statutory damages under 15 USC 1681 et. seq.
27. Plaintiff suffered some distress and anger as a result of his rights being violated by Plaintiff and the rights of other consumers.
28. The value of Plaintiff's emotional distress shall be proven at trial.
29. Plaintiff believes and avers that the acts committed by Defendant are willful, wanton intentional, or reckless at best. Plaintiff believes and avers that Defendant's acts are systemic. Therefore, punitive damages are warranted.
30. Plaintiff believes and avers that punitive damages should be awarded to Plaintiff in the amount of no less than \$10,000.

## ATTORNEY FEES

31. The previous paragraphs of this Complaint are incorporated by reference and made a part of this Complaint.

32. Plaintiff believes and avers that Plaintiff is entitled to attorney fees of \$1,750.50 at a rate of \$350.00 per hour, described below.

a. Consultation with Client and drafting dispute letters and letters of inquiry	2
b. Drafting, editing, review, filing and serving of complaint and related documents	1
d. Follow up correspondence with Defense	2

Total = 5 \$1,750.00

33. Plaintiff's attorney fees continue to accrue as the case moves forward

**INJUNCTIVE RELIEF**

34. Plaintiff seeks an order from this Honorable Court Directing Defendant(s) to provide written description of the method of verification that was used by Defendant(s) to conduct the reinvestigation on Plaintiff's account referenced in the attached exhibits.

**OTHER RELIEF**

35. Plaintiff requests such other relief as this court may deem just and proper.

Wherefore, Plaintiff demands judgment against Defendant(s) in the amount of \$12,751.00 (actual damages, statutory damages, attorney fees). Plaintiff also seeks punitive damages. Plaintiff also seeks such other relief as this Court deems fair and just.

Vicki Piontek  
Vicki Piontek, Esquire  
Attorney for Plaintiff  
951 Allentown Road  
Lansdale, PA 19446  
877-737-8617  
Fax: 866-408-6735  
palaw@justice.com

3-19-2012  
Date

IN THE COURT OF COMMON PLEASE OF  
BUCKS COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

Marlyn Phillips

854 Martha Lane

Warminster, PA 18974

Plaintiff

Vs.

Equifax Information Services LLC

6 Clementon Road, East, Suite A2,

Gibbsboro, New Jersey 08026

and

John Does 1-10

and

X,Y, Z Corporations

Jury Trial Demanded

Defendant

**VERIFICATION**

I, Marlyn Phillips, verify that the statements contained in the complaint are true and correct to the best of my knowledge, understanding and belief.

Marlyn Phillips  
Marlyn Phillips

3-17-2012  
Date

## **EXHIBITS**

Equifax Information Services LLC  
PO Box 740256  
Atlanta GA 30374

January 6th, 2012

012403  
010612915-ANS  
MARLYN D PHILLIPS  
854 Martha Ln  
Warminster PA 18974-2958

Dear Customer,

\* **In reference to your question regarding the investigation process:**

Upon receipt of your dispute, we first review and consider any relevant information you submitted regarding the nature of your dispute. Often, Equifax will then transmit your dispute to the furnisher of the information (ie. the bank associated with a disputed credit card) for review and investigation. Equifax electronically sends a notification of your dispute, including a summary of the relevant information submitted, to the respective furnisher. The furnisher reviews the information provided, conducts an investigation with respect to the disputed information and reports the results back to us electronically.

In the case of a public record item such as a judgment, tax lien or bankruptcy, Equifax seeks the most recent filing associated with the disputed information. This information is often obtained from a medium (ie. paper records or computer database) prescribed by the source of the information (ie. courthouse or other government entity). Equifax may use a business vendor to obtain the most recent filing from the public record source.

As appropriate, Equifax then makes deletions or changes to your credit file. The name, address and, if reasonably available, the telephone number of the furnisher(s)/source(s) of the information contacted while processing your dispute(s) is shown under the "Results of your investigation" section on the cover letter that accompanies the copy of your revised credit file.

Thank you for giving Equifax Information Services the opportunity to serve you. We appreciate your business.

Marlyn Phillips  
854 Martha Lane  
Warminster, PA 18974

Equifax  
P.O. box 740241  
Atlanta, GA 30374

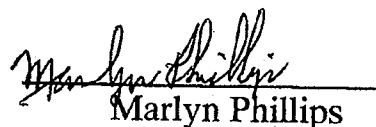
**RE: Marlyn Phillips SSN 189-26-1609  
BANK OF AMERICA  
Account Number 4888 9379 9047 7913  
Alleged High Balance \$11,203**

**REQUEST FOR METHOD OF VERIFICATION**

Your company has placed derogatory information about the above referenced account on my credit report. I have disputed this account in the past. Your company had conducted at least two separate re-investigations where the information has been verified and re-verified. See exhibits attached.

I am requesting the method of verification for the reinvestigation. Because Transunion conducted a reinvestigation when they verified the information a second time, I am entitled to know the method of verification that was used to do so. What method of verification was used to verify this account?

Sincerely,

  
\_\_\_\_\_  
Marlyn Phillips

12/16/2011  
Date



**CREDIT FILE : June 1, 2011**  
**Confirmation # 1125006149**

Dear Marilyn D Phillips:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at [www.investigate.equifax.com](http://www.investigate.equifax.com).

Thank you for giving Equifax the opportunity to serve you.

## The Results Of Our Reinvestigation

**Credit Account Information**

*(For your security, the last 4 digits of account number(s) have been replaced by \_\_\_\_\_.)*  
*(This section includes open and closed accounts reported by credit reporters.)*

<b>Account History</b>	1 : 30-59 Days Past Due 2 : 60-89 Days Past Due 3 : 90-119 Days Past Due 4 : 120-149 Days Past Due	5 : 150-179 Days Past Due 6 : 180 or More Days Past Due G : Collection Account H : Foreclosure	J : Voluntary Surrender K : Repossession L : Charge Off
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>>> We have researched the credit account. Account # - 486893799047\*. The results are: The high credit/credit limit on this account has been updated. Additional information has been provided from the original source regarding this item. If you have additional questions about this item please contact: Bank of America, PO Box 15026, Wilmington, DE 19850-5026 Phone: (800) 421-2110

**Bank of America** PO Box 15026 Wilmington DE 19857-5126 (800) 421-2111

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification			
488893799047*	10/2004	\$11,203	\$0	Monthly	43	Transfer/Sold					
Items As of	Balance	Amount	Scheduled	Date of 1st	Date of	Date M.	Charge Off	Deferred Pay	Balloon Pay	Balloon	Date
Date Reported	Past Due	Date of	Payment Amount	Delinquency	Last Activity	Del. 1st Rptd	Off Amount	Pay Start Date	Pay Amount	Pay Date	Closed
06/2011	\$0	\$0	\$0	05/2006		12/2006	\$0		\$0		

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Transferred or Sold;  
Charged Off Account; Credit Card;

**Account History** 12/2006 11/2006 10/2006 09/2006 08/2006 07/2006 06/2006  
**with Status Codes** 4 4 4 4 3 2 1

(Continued On Next Page)

Page 1 of 2

1125006149APP-000982200- 1021 - 5182 - AS

**EQUIFAX**

**CREDIT FILE : November 22, 2011**  
**Confirmation # 1318001140**

000981  


001072410-981  
 Marilyn D Phillips  
 854 Martha Ln  
 Warminster, PA 18974-2958

P.O. Box 105518  
 Atlanta, GA 30348

Dear Marilyn D Phillips:

Your request for Equifax to reinvestigate certain items of your credit file is now complete.

Below are your results and a report of your credit file revised, as applicable, as a result of the reinvestigation. If you have additional questions regarding the reinvestigated items, please contact the source of that information directly. You may also contact Equifax regarding the specific information contained within this letter or report within the next 60 days by visiting us at [www.investigate.equifax.com](http://www.investigate.equifax.com) or by calling a Customer Representative at (888) 661-5352 from 9:00am to 5:00pm Monday-Friday in your time zone.

Thank you for giving Equifax the opportunity to serve you.

**The Results Of Our Reinvestigation**

**Credit Account Information**

(For your security, the last 4 digits of account number(s) have been replaced by \*)  
 (This section includes open and closed accounts reported by credit grantors)

<b>Account History</b>	1 : 30-59 Days Past Due	5 : 150-179 Days Past Due	J : Voluntary Surrender
<b>Status Code</b>	2 : 60-89 Days Past Due	6 : 180 or More Days Past Due	K : Repossession
<b>Descriptions</b>	3 : 90-119 Days Past Due	G : Collection Account	L : Charge Off
	4 : 120-149 Days Past Due	H : Foreclosure	

>>> We have researched the credit account. Account # - 431303899987\* The results are: The high credit/credit limit on this account has been updated. If you have additional questions about this item please contact: **Bank of America, PO Box 15026, Wilmington DE 19850-5026 Phone: (800) 421-2110**

**Bank of America PO Box 15026, Wilmington DE 19850-5026 - (800) 451-3366**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification
431303899987*	10/2005	\$2,427	\$0		Monthly	27	Transfer/Sold	
Items As of Date Reported	Balence Amount	Amount Past Due	Date of Last Payment	Actual Payment Amount	Scheduled Payment Amount	Date of 1st Delinquency	Date Mdl. Del. 1st Pmtd	Charge Off Amount

11/2011 \$0 \$0 05/2007 \$0 \$0 07/2007 12/2007 \$0

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Closed At Consumers Request; Account Transferred or Sold; Charged Off Account; Credit Card;

Account History	09/2011	12/2007	11/2007	10/2007	09/2007	08/2007	10/2006	07/2006	04/2006
with Status Codes	L	5	4	3	2	1	1	1	1

>>> We have researched the credit account. Account # - 601130026010\* The results are: Please be advised that account included in bankruptcy do not report any balance. If you have additional questions about this item please contact: **Discover Card, 12 READS Way, New Castle DE 19720-1649 Phone: (800) 347-2683**

(Continued On Next Page )

**Discover Financial Servcs LLC PO Box 15316 Wilmington DE 19850-5316**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification			
601130026010*	10/1997		\$0			99					
Items As of	Balance	Amount	Date of	Scheduled	Date of 1st	Date of	Charge Off	Deferred Pay	Balloon Pay	Balloon	Date
08/2011	\$0	\$0	Last Payment	Paymnt Amount	Delinquency	Last Activity	Del. 1st Rptd	Start Date	Pay Amount	Pay Date	Closed

Status - Account Included In Bankruptcy; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Consumer Disputes This Account Information; Bankruptcy Chapter 7; Bankruptcy Discharged; Credit Card;

**>>> We have researched the credit account. Account # - 488893799047\* The results are:** This creditor has verified to Equifax that the high credit/credit limit is being reported correctly. If you have additional questions about this item please contact: **Bank of America, PO Box 15026, Wilmington DE 19850-5026 Phone: (800) 421-2110**

**Bank of America PO Box 15026 Wilmington DE 19850-5026 : (800) 421-2110**

Account Number	Date Opened	High Credit	Credit Limit	Terms Duration	Terms Frequency	Months Revd	Activity Designator	Creditor Classification			
488893799047*	10/2004	\$11,203	\$0		Monthly	43	Transfer/Sold				
Items As of	Balance	Amount	Date of	Scheduled	Date of 1st	Date of	Charge Off	Deferred Pay	Balloon Pay	Balloon	Date
11/2011	\$0	\$0	Last Payment	Paymnt Amount	Delinquency	Last Activity	Del. 1st Rptd	Start Date	Pay Amount	Pay Date	Closed

Status - Charge Off; Type of Account - Revolving; Type of Loan - Credit Card; Whose Account - Individual Account; ADDITIONAL INFORMATION - Account Transferred or Sold; Charged Off Account; Credit Card;

Account History	07/2011	12/2006	11/2006	10/2006	09/2006	08/2006	07/2006	06/2006
with Status Codes	L	4	4	4	4	3	2	1

**Notice to Consumers**

You may request a description of the procedure used to determine the accuracy and completeness of the information, including the business name and address of the furnisher of information contacted, and if reasonably available the telephone number.

If the reinvestigation does not resolve your dispute, you have the right to add a statement to your credit file disputing the accuracy or completeness of the information; the statement should be brief and may be limited to not more than one hundred words (two hundred words for Maine residents) explaining the nature of your dispute.

If the reinvestigation results in the deletion of disputed information, or you submit a statement in accordance with the preceding paragraph, you have the right to request that we send your revised credit file to any company specifically designated by you that received your credit report in the past six months (twelve months for California, Colorado, Maryland, New Jersey and New York residents) for any purpose or in the past two years for employment purposes.

Piontek Law Office  
951 Allentown Road  
Lansdale, PA 19446

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE  
**CERTIFIED MAIL™**



7011 3500 0002 3360 2661



UNITED STATES  
POSTAL SERVICE



1000  
08026

U.S. POSTAGE  
PAID  
LANSDALE, PA  
19446  
MAR 19, 12  
AMOUNT

\$6.80  
00089016-11

Equifax Information Services, LLC

6 Clementon Rd East

NAME \_\_\_\_\_  
1ST NOTICE \_\_\_\_\_  
2ND NOTICE \_\_\_\_\_  
RETURNED \_\_\_\_\_

Suite A 2

Gibbsboro, NJ 08026